

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
MEDFORD DIVISION

JAMES HAROLD ROSSI,  
Plaintiff,

1:14-cv-01642-CL

v.

**ORDER**

HONORABLE RANDOLPH LEE GARRISON,  
et al.,  
Defendants.

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**PANNER, District Judge:**

On November 10, 2014, Defendant Bowers filed a motion to dismiss (#4). Magistrate Judge Mark D. Clarke filed a Report and Recommendation (#9), and the matter is now before this Court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Plaintiff filed objections (#17) and I have reviewed the file of this case *de novo*. 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v.

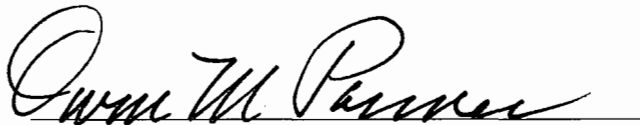
Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981).

I have given this matter *de novo* review. I find no error. In his Objections, Plaintiff appears to concede that he cannot sustain a claim under 42 U.S.C. § 1983 and that he has not properly pled his claim for abuse of process. Plaintiff also appears to endorse Judge Clarke's recommendation that the case be dismissed with leave to amend. Accordingly, I ADOPT the Report and Recommendation (#9).

This action is DISMISSED with leave to amend. Plaintiff shall have thirty (30) days from the date of this Order to file an amended complaint.

IT IS SO ORDERED.

DATED this 7 day of April, 2015.

A handwritten signature in black ink, reading "Owen M. Panner", written over a horizontal line.

OWEN M. PANNER  
U.S. DISTRICT JUDGE